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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/529,374 04/12/00 KLERSY

H 3933.002

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PM82/1003

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EXAMINER

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CHAVEZ, P

ART UNIT	PAPER NUMBER
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3635

DATE MAILED:

10/03/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/529,374

Applicant(s)

Klersy

Examiner

Patrick J. Chavez

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Apr 12, 2000

2a) ☐ This action is FINAL.

2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-19 is/are pending in the application

4a) Of the above, claim(s) _____ is/are withdrawn from consideration

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-19 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirements

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on Apr 12, 2000 is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

20) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 7-9, "the pillar being connected to the floor frame (1) and the ceiling frame (6) by the use of a transverse bearer (7)", is unclear because the drawings/specification do not disclose the twin pillars connected to element (7).

Claim 2, line 4; and claim 5, line 4; the phase "and/or" is unclear to the Examiner. The alternative is assumed in this Office Action.

Claim 4, lines 4 and 6, "d" is unclear to the Examiner because the dimension to which it refers is not defined in the claim.

Claim 15 appears to be missing. The claim language present is not understood by the Examiner.

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Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the junction gussets of claim 6 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-19, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Parisien (US Patent 5,483,773).

In Figures 2-3, Parisien teaches of a steel frame comprising: a ceiling frame, 40; a floor frame, 14; a metal section, 54, welded inside the floor frame; a flooring surface, 110, constructed of a Portland cement composition; and a pillar, 12, connected to said floor frame and ceiling frame by the use of pins, 20. What is not shown in the '773 reference is the metal section, 54, to be a Z-shaped section or of the pillar, 12, to have a twin. It is the Examiner's contention that it would have been obvious to one having ordinary skill in the art to select a Z-shaped section, or any other section, based on the design criteria and the selection of a known and appropriate section is given little patentable weight. As to the twinned pillar (4), it would have been obvious

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to one having ordinary skill in the art at the time the invention was made to select one, two or three pillar sections, since it has been held that mere duplication of the essential working parts of a structure involves only routine skill in the art.

Regarding claims 2, 5, 8, 10-11 and 13, the specific steel sections being claimed are given little patentable weight because they only reinforce the Examiner's position that the selection of an appropriate element involves only ordinary skill in the art.

Regarding claim 14, Parisien discloses the steel frame as discussed above, but does not teach of said frame allowing a cantilever span of up to 14 meters. It would have been obvious to one having ordinary skill in the art at the time the invention was made to select the appropriate steel sections so as to provide a span of up to 14 meters, since it has been held that discovering an optimum value of result effective variables involves only routine skill in the art.


Regarding claim 16, the claim itself recites that the method of connection involves only routine skill in the art, "the method of interconnection depending upon the cantilever span" - claim 16, line 5.

Regarding claims 17-19, the claimed methods would be a matter of obviousness to one having ordinary skill in the art and are given little patentable weight.

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Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick J. Chavez whose telephone number is (703) 306-5706.



Carl D. Friedman
Supervisory Patent Examiner
Group 3600



PJC

September 25, 2001